

2013 DRAFTING REQUEST

Assembly Resolution

Received: **1/10/2013** Received By: **rchampag**
Wanted: **Soon** Same as LRB:
For: **Scott Suder (608) 267-0280** By/Representing: **Bob Karius**
May Contact: Drafter: **rchampag**
Subject: **Legislature - rules** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Suder@legis.wisconsin.gov**
Carbon copy (CC) to: **bob.karius2@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Omnibus Assembly Rules Changes

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 1/10/2013	jdye 1/10/2013	phenry 1/10/2013	_____			
/1				_____	sbasford 1/10/2013	sbasford 1/10/2013	

FE Sent For:

<END>

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Champagne, Rick

From: Karius2, Bob
Sent: Thursday, January 10, 2013 7:25 AM
To: Champagne, Rick
Subject: RE: Committee on Rules Powers to Set Debate Details

I know we talked about it but just making sure you will take out last line of your added language of paragraph on 1078 right.

-----Original Message-----

From: Champagne, Rick
Sent: Thursday, January 10, 2013 5:21 AM
To: Karius2, Bob
Subject: RE: Committee on Rules Powers to Set Debate Details

Good Morning Bob -- long night for you! I am having coffee and getting ready to head in. I will prepare the different resolutions for you when I get in. I may call you first before I submit them just to make sure we are good on language. But in any event draft 1077 is OUT and in its place will be two new drafts.

On the scheduling time limits, I added that last sentence to make it clear that floor leaders in ordering and prioritizing amendments can also select which ones they are going to take up. Maybe I will just take it out since it wasn't in the original text and they can probably end up doing it anyway when they set the order for debating amendments. So I will redraft 1078 to a "/2".

Sorry for the typo. Our editor actually caught it, but I guess in final typing they missed it.

Talk to you soon.

-----Original Message-----

From: Karius2, Bob
Sent: Wed 1/9/2013 10:16 PM
To: Champagne, Rick
Subject: RE: Committee on Rules Powers to Set Debate Details

Hi Rick, yes I'm still here. Slight change in presentation of the resolutions for us tomorrow. We want to split draft 1077 into 2 drafts - one with the mail ballots in assm. Org., dress code, and gallery rules provisions and one with everything else in 1077. Also, as I said on my earlier phone message, we want the provision on roll call votes on assembly floor provision out entirely.

Draft 1078 looks fine except a typo in the third to last line of the first paragraph of the summary on scheduling time limits - " may also may prioritize" and I also have a question about the last line of that same paragraph - it wasn't in the earlier language ?

I will be here by 7:00 in the morning - thanks again for all your help !

From: Champagne, Rick
Sent: Wednesday, January 09, 2013 12:16 PM
To: Redell, Carol
Cc: Karius2, Bob; Sholty, Cameron
Subject: Committee on Rules Powers to Set Debate Details

Working off LRB 13-0881/1, we get rid of new Assembly Rules 55m and 71m and create a new Assembly 24 (6) as follows:

Assembly Rule 24 (6) The committee on rules may structure the floor debate on any proposal placed on the calendar. In structuring floor debate, the committee may limit the time for debate, may prioritize or rearrange the order in which amendments may be taken up to a proposal, and may designate the majority leader and minority leader, or their designees, to serve as floor managers for the proponents and for the opponents of any proposal. In their capacity as floor managers, the majority leader and minority leader, or their designees, may also may prioritize or rearrange the order in which amendments may be taken up to a proposal.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1084/1

RAC:jld:ph

Kaw

2013 ASSEMBLY RESOLUTION

LRB-1085/1
RAC:jld

Regen

1 **To repeal** assembly rule 17d (2), assembly rule 53 (4), assembly rule 73 (9) and
2 assembly rule 95 (58); **to amend** assembly rule 3 (1) (r), assembly rule 5 (2),
3 assembly rule 11 (4), assembly rule 11 (5) (a), assembly rule 11 (10), assembly
4 rule 29 (3), assembly rule 61 (5), assembly rule 73 (2) (a), assembly rule 73 (3)
5 (a), assembly rule 73 (4) (c), assembly rule 93 (2), assembly rule 93 (3), assembly
6 rule 95 (38), assembly rule 95 (50), assembly rule 95 (54) and assembly rule 95
7 (63); and **to create** assembly rule 5 (4), assembly rule 9 (2) (cd), assembly rule
8 23 (1m), assembly rule 26 (8), assembly rule 26 (9) and assembly rule 56 (4);
9 **relating to:** the assembly rules.

Analysis by the Legislative Reference Bureau

This resolution makes the following substantive changes to the assembly rules:

Conducting Committee on Assembly Organization meetings by ballot

The resolution permits the Committee on Assembly Organization to conduct its business by ballot. If the committee elects to vote by ballot, public notice shall be given at least 24 hours before the ballot is circulated.

Behavior in gallery

The resolution provides that individuals may be admitted to the visitor galleries for the sole purpose of observing the proceedings of the assembly.

Individuals admitted to the visitor galleries shall at all times remain quiet, act in an orderly manner, and respect the decorum of the chamber. The resolution provides that no individual may engage in any conduct that expresses or that may be considered to express support for or opposition to any matter before the assembly or that may come before the assembly. In addition, without limitation because of enumeration, no individual in the visitor galleries may use any audio or video device to record, photograph, film, videotape, or in any way depict the proceedings on or about the assembly floor. The amended assembly rules specifically state that this policy regarding conduct is established for the purpose of keeping the doors of the assembly open, as provided in section 10 of article IV of the Wisconsin Constitution.

The resolution provides that an individual may not engage in any behavior in the visitor galleries that the presiding officer determines does not respect the decorum of the chamber or that hinders the right of representatives to the assembly to participate in proceedings in the chamber. In addition, no individual may do any of the following in the visitor galleries: lean over or put any object over the balcony; use a laptop or other computer device; stand except for prayer or pledge of allegiance or as otherwise permitted by the presiding officer; use recording devices of any kind; use cell phones or pagers; read newspapers or other printed materials; eat any food or drink any beverages; exhibit public displays or demonstrations; display signs or placards; possess bags or briefcases; or wear hats.

Finally, the resolution provides that an individual who engages in a prohibited action may be removed from the visitor galleries and not be allowed admittance to the visitor galleries for a period of 24 hours. For a second violation during a biennial legislative session, the individual may be removed from the visitor galleries and not be allowed admittance to the visitor galleries until the first roll call day of the next regularly scheduled floorperiod. For a third violation during a biennial legislative session, the individual may be removed from visitor galleries and not be allowed admittance to the visitor galleries for the remainder of the biennial legislative session.

Casting of votes in committee

The resolution provides that votes in committee must be held open after the adjournment of the committee session to permit an absent member to vote until 5:00 p.m. on the day on which the committee session is adjourned or 30 minutes after the adjournment, whichever is earlier. The absent member must cast his or her vote in the committee room where the meeting is held.

Committee notice for meeting on un~~int~~roduced proposals

The resolution requires that, if an un~~int~~roduced proposal will be considered at a committee meeting, the committee chairperson must provide a copy of the un~~int~~roduced proposal with the notice.

Provision of calendar to members

The resolution provides that, except during the final week of the last general-business floorperiod, the calendar must be provided to each member at least 24 hours before the calendar is to be acted upon. The current requirement is 18 hours.

Questions of assembly or personal privilege

Current assembly rules governing floor debate provide that questions of assembly or personal privilege have precedence only insofar as they require immediate consideration. The resolution provides that these questions may not be dilatory.

Dress code on assembly floor; recognition

The resolution provides that while the assembly is in session, on the assembly floor in the rectangular area bounded on four corners by the pillars in the front and back of the chamber, members and other individuals should dress appropriately, which has traditionally been considered to include a coat and tie for men and appropriate attire for women. In this area, no member or other individual may wear an overcoat or hat. The presiding officer may exempt individuals, other than members, from these requirements when appropriate. The resolution also provides that the presiding officer is not required to recognize any member who is in violation of this dress code.

Power of speaker to make temporary committee appointments

The resolution authorizes the speaker of the assembly to make temporary replacements of members on committees who are unable temporarily to serve on the committee.

Determination of 24-hour notice rule for committee meetings

The resolution eliminates a rule that prohibited the counting of hours between 5:00 p.m. and 8:00 a.m. for purposes of calculating a 24-hour notice provision for committee executive action on introduced proposals.

Posting of notice for committee meetings during special, extraordinary, or extended sessions

The resolution provides that during a special, extraordinary, or extended session a notice of a committee meeting is not required other than posting on the legislative bulletin boards and the legislature's Internet site, and a schedule of committee activities need not be published. The current rule applies this provision only to committee hearings.

Power of assembly chief clerk during skeletal sessions

The resolution permits the assembly chief clerk to perform duties of the presiding officer during skeletal sessions, other than any duty related to the enactment of legislation or the adoption of a resolution.

Proposals that may be considered during special, extraordinary, or extended sessions

The resolution provides that during a special or extraordinary session an assembly proposal may not be considered unless it is recommended to be introduced, offered, or considered by the assembly committees on finance, organization, or rules, or by the joint committees on employment relations, finance, or organization. Currently, the only proposals that may be considered during a special or extraordinary session are those offered or introduced by these committees.

Duties of assembly chief clerk

The resolution permits the assembly chief clerk to delegate specific portions of the work assigned to the chief clerk or to the chief clerk's office to appropriate staff. This provision clarifies current rules which specifically permit the chief clerk to delegate specific portions of the work assigned to the chief clerk's office only to appropriate assistants.

Timing of reconsideration motions on amendments and proposals

The resolution provides that for both amendments and proposals, the time for making reconsideration motions expires on the seventh order of business that next occurs on a roll call day after adoption of the amendment or passage of the proposal. Currently, reconsideration motions for amendments must be made no later than the seventh order of business on the second legislative day after adoption of the amendment, and reconsideration motions for proposals must be made no later than the seventh order of business on the next legislative day after passage of the proposal.

Reconsideration of proposals when amendments are under reconsideration

The resolution provides that if a motion for reconsideration of an amendment prevails, the entire proposal is returned to the amendable stage. Currently, the final decision on the proposal at the end of the second reading stage must also be reconsidered before a reconsideration of an amendment may be taken up.

Referral of notices and reports concerning proposed administrative rules

The resolution requires the referral of every notice and report concerning a proposed administrative rule received by the speaker to the appropriate standing committee of the assembly within ten working days following receipt. Current rules provide that the referral must be within seven working days.

Resolved by the assembly, That:

SECTION 1. Assembly rule 3 (1) (r) is amended to read:

ASSEMBLY RULE 3 (1) (r) Refer every notice and report concerning a proposed administrative rule received by him or her under section 227.19 of the statutes to the appropriate standing committee of the assembly within 7-10 working days following receipt, and notify that committee whenever the speaker is informed that a proposed rule or portion thereof is being withdrawn. The speaker shall refer any report received from a standing committee that objects to a proposed rule or portion thereof to the joint committee for review of administrative rules.

1 **SECTION 2.** Assembly rule 5 (2) is amended to read:

2 **ASSEMBLY RULE 5 (2)** The chief clerk may delegate specific portions of the work
3 assigned to the chief clerk or to the clerk's office to appropriate ~~assistants~~ staff, but
4 shall supervise and remain responsible for its execution.

5 **SECTION 3.** Assembly rule 5 (4) is created to read:

6 **ASSEMBLY RULE 5 (4)** In order to comply with joint rule 13 and section 10 of
7 article IV of the constitution, the chief clerk may perform all of the duties
8 enumerated under rule 3m, except that during any session convened under this
9 subsection the chief clerk may not perform any duty related to the enactment of
10 legislation or the adoption of a resolution.

11 **SECTION 4.** Assembly rule 9 (2) (cd) is created to read:

12 **ASSEMBLY RULE 9 (2) (cd)** If an assembly member of an assembly committee or
13 a joint committee is unable to serve, the speaker may select a temporary replacement
14 for a member of the majority party who is unable to serve from among those members
15 of the same party and may select a temporary replacement for a member of the
16 minority party, upon recommendation of the minority leader, who is unable to serve
17 from among those members of the same party. The replacement takes effect when
18 the member who is a temporary replacement answers the roll call of the assembly
19 committee or joint committee and terminates upon the adjournment of the assembly
20 committee or joint committee meeting or the return of the member who was unable
21 to serve, whichever occurs first.

22 **SECTION 5.** Assembly rule 11 (4) is amended to read:

23 **ASSEMBLY RULE 11 (4)** All Except as provided in sub. (5) (a), all committee votes
24 shall be taken in the presence of the committee. A member may not be recorded as
25 voting unless the member is present at the committee session when the vote is taken.

This subsection shall not apply to the committee on assembly organization when the committee is voting by ballot.

SECTION 6. Assembly rule 11 (5) (a) is amended to read:

~~ASSEMBLY RULE 11 (5) (a) A vote may shall be held open until after the adjournment of the committee session to permit an absent member to vote. Any such vote may only be recorded if the member votes in the presence of the committee in session until 5:00 p.m. on the day on which the committee session is adjourned or 30 minutes after the adjournment, whichever is earlier. The absent member shall cast his or her vote in the committee room where the meeting is held.~~

SECTION 7. Assembly rule 11 (10) is amended to read:

~~ASSEMBLY RULE 11 (10) The chairperson shall notify committee members of all committee meetings. If an unIntroduced proposal will be considered at the meeting, the chairperson shall provide a copy of the unIntroduced proposal with the notice.~~

SECTION 8. Assembly rule 17d (2) is repealed.

SECTION 9. Assembly rule 23 (1m) is created to read:

ASSEMBLY RULE 23 (1m) The committee on assembly organization may conduct any business by ballot. If the committee elects to vote by ballot, public notice shall be given at least 24 hours before the ballot is circulated.

SECTION 10. Assembly rule 26 (8) is created to read:

ASSEMBLY RULE 26 (8) (a) For the purpose of keeping the doors of the assembly open, as provided in section 10 of article IV of the constitution, individuals may be admitted to the visitor galleries for the sole purpose of observing the proceedings of the assembly. Individuals admitted to the visitor galleries shall at all times remain quiet, act in an orderly manner, and respect the decorum of the chamber. Individuals in the visitors galleries may not engage in any conduct that expresses or that may

1 be considered to express support for or opposition to any matter before the assembly
2 or that may come before the assembly and may not use any audio or video device to
3 record, photograph, film, videotape, or in any way depict the proceedings on or about
4 the assembly floor.

5 (b) An individual may not engage in any behavior in the visitor galleries that
6 the presiding officer determines does not respect the decorum of the chamber or that
7 hinders the right of representatives to the assembly to participate in proceedings in
8 the chamber. In addition, without limitation because of enumeration, no individual
9 may do any of the following in the visitor galleries:

- 10 1. Lean over or put any object over the balcony.
- 11 2. Use a laptop or other computer device.
- 12 3. Stand except for prayer or pledge of allegiance or as otherwise permitted by
13 the presiding officer.
- 14 4. Use recording devices of any kind.
- 15 5. Use cell phones or pagers.
- 16 6. Read newspapers or other printed materials.
- 17 7. Eat any food or drink any beverages.
- 18 8. Exhibit public displays or demonstrations.
- 19 9. Display signs or placards.
- 20 10. Possess bags or briefcases.
- 21 11. Wear hats.

22 (c) 1. Any individual who violates par. (a) or (b) may be removed from the visitor
23 galleries and not be allowed admittance to the visitor galleries for a period of 24
24 hours.

1 2. Any individual who violates par. (a) or (b) a 2nd time during a biennial
2 legislative session may be removed from the visitor galleries and not be allowed
3 admittance to the visitor galleries until the first roll call day of the next regularly
4 scheduled floorperiod.

5 3. Any individual who violates par. (a) or (b) a 3rd time during a biennial
6 legislative session may be removed from the visitor galleries and not be allowed
7 admittance to the visitor galleries for the remainder of the biennial legislative
8 session.

9 **SECTION 11.** Assembly rule 26 (9) [✓] is created to read:

10 **ASSEMBLY RULE 26 (9)** While the assembly is in session, on the assembly floor
11 in the rectangular area bounded on 4 corners by the pillars in the front and back of
12 the chamber, members and other individuals should dress appropriately, which has
13 traditionally been considered to include a coat and tie for men and appropriate attire
14 for women. In this area, no member or other individual may wear an overcoat or hat.
15 The presiding officer may exempt individuals, other than members, from the
16 requirements of this subsection when appropriate.

17 **SECTION 12.** Assembly rule 29 (3) is amended to read:

18 **ASSEMBLY RULE 29 (3)** A calendar, except a calendar for a Saturday, Sunday, or
19 state holiday specified in section 230.35 (4) (a) of the statutes, shall be provided to
20 each member at least 12 hours before the calendar is to be acted upon during the last
21 week of the last general-business floorperiod preceding the veto review session and
22 18 24 hours before the calendar is to be acted upon at other times.

23 **SECTION 13.** Assembly rule 53 (4) is repealed.

24 **SECTION 14.** Assembly rule 56 (4) is created to read:
.....

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1 ASSEMBLY RULE 56 (4) The presiding officer is not required to recognize any
2 member who is in violation of rule 26 (9).

3 SECTION 15. Assembly rule 61 (5) is amended to read:

4 ASSEMBLY RULE 61 (5) Questions of assembly or personal privilege have
5 precedence only insofar as they require immediate consideration and are not
6 dilatory.

7 SECTION 16. Assembly rule 73 (2) (a) is amended to read:

8 ASSEMBLY RULE 73 (2) (a) A motion to reconsider any decision, other than
9 passage of or concurrence in a proposal, may only be entered after the question to
10 which the motion relates has been decided and must be entered either: 1) before the
11 relating clause of the next proposal is read by the clerk, the next order of business
12 is announced by the presiding officer, or other business is begun; or 2) on the 7th order
13 of business on the 2nd legislative day thereafter that next occurs on a roll call day.

14 SECTION 17. Assembly rule 73 (3) (a) is amended to read:

15 ASSEMBLY RULE 73 (3) (a) A motion for reconsideration of the vote by which a
16 proposal is passed, adopted, concurred in, indefinitely postponed, rejected, or
17 nonconcurred in may be entered: 1) before the relating clause of the next proposal
18 is read by the clerk, the next order of business is announced by the presiding officer,
19 or other business is begun; or 2) on the 7th order of business on the next legislative
20 day thereafter that next occurs on a roll call day. Any motion to reconsider such final
21 action shall be taken up immediately if the roll call day on which it is entered is
22 already the next actual day following the vote constituting final action on the
23 proposal.

24 SECTION 18. Assembly rule 73 (4) (c) is amended to read:

1 ASSEMBLY RULE 73 (4) (c) ~~A~~ If a motion to reconsider a decision on any
2 amendment may not be considered unless prevails, the final decision on the proposal
3 at the end of the 2nd reading stage is must also be reconsidered, returning the
4 proposal to the amendable stage. If the engrossed proposal consists of a substitute
5 amendment, with or without adopted amendments, both the vote to engross and the
6 vote to adopt the substitute amendment must be reconsidered to return the proposal
7 to the amendable stage.

8 **SECTION 19.** Assembly rule 73 (9) is repealed.

9 **SECTION 20.** Assembly rule 93 (2) is amended to read:

10 ASSEMBLY RULE 93 (2) ~~Proposals may be offered or introduced only~~ An assembly
11 proposal may not be considered unless it is recommended to be introduced, offered,
12 or considered by the assembly committees on finance, organization, or rules, or by
13 the joint committees on employment relations, finance, or organization.

14 **SECTION 21.** Assembly rule 93 (3) is amended to read:

15 ASSEMBLY RULE 93 (3) ~~A notice of hearings before committees~~ a committee
16 meeting is not required other than posting on the legislative bulletin boards and the
17 legislature's Internet site, and a schedule of committee activities need not be
18 published.

19 **SECTION 22.** Assembly rule 95 (38) is amended to read:

20 ASSEMBLY RULE 95 (38) JOINT HEARING: A hearing held by ~~a joint committee or~~
21 by committees of both houses.

22 **SECTION 23.** Assembly rule 95 (50) is amended to read:

23 ASSEMBLY RULE 95 (50) NONCONCURRENCE: The refusal of one house to agree to
24 a proposal, amendment, or action of the other.

25 **SECTION 24.** Assembly rule 95 (54) is amended to read:

1 ASSEMBLY RULE 95 (54) PASSAGE: ~~Final assembly~~ Assembly approval of an
2 assembly bill.

3 **SECTION 25.** Assembly rule 95 (58) is repealed.

4 **SECTION 26.** Assembly rule 95 (63) is amended to read:

5 ASSEMBLY RULE 95 (63) RECESS: A temporary suspension of business during a
6 roll call day of the year.

7

(END)